HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15824 of 2004

Dated:07.09.2006

Between:

Gadwal Pentaiah.

…Petitioner

and

The Joint Collector and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15824 of 2004

ORDER:

This Writ Petition is filed impugning proceedings No.M/2564/2002, dated 17.01.2003, issued by the second respondent as confirmed by the first respondent by proceedings No.E1/1854/2003, dated 03.07.2004.

The brief fact of the matter is as follows. The petitioner was assigned the land admeasuring Ac.1.02 guntas in Survey No.129/14 and an extent of Ac.0.29 guntas in Survey No.129/15 situated at Shainpet Village of Lingal Mandal in Mahabubnagar District. The land was assigned for the purpose of cultivation, and the petitioner is allegedly cultivating the land. The third respondent herein conducted an enquiry and submitted a report to the second respondent, who issued a show cause notice dated 15.11.2002 to the petitioner. The petitioner submitted explanation, dated 07.12.2002. After considering the same, the second respondent cancelled the assignment on the ground that the petitioner converted the assigned land into house site plots and sold the land to third parties. Aggrieved by the same, the petitioner filed a revision petition before the first respondent under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, who disposed of the same declining to interfere

with the order of the second respondent.

Learned Counsel for the petitioner submits that the Mandal Revenue Officer did not issue any notice before conducting any enquiry and submitting a report to the second respondent, and therefore, the impugned order is unsustainable. He nextly contends that the petitioner submitted detailed explanation after receiving the show cause notice from the second respondent, but the same was not considered by the second respondent, and therefore, the impugned order is not sustainable. **Per contra**, the learned Assistant Government Pleader for Revenue (Assignment) has placed before this Court the xerox copies of the agreements entered into by the petitioner with third parties for sale of house sites in support of the contention that the petitioner alienated the assigned land for non-agricultural purposes, and therefore, the assignment is liable for cancellation.

The land in Survey Nos.129/14 and 129/15 adjacent to the Village site was assigned to the petitioner. Complaints were made that he converted the land into house sites. Therefore, the Mandal Revenue Officer was directed to conduct open enquiry. The Mandal Revenue Officer submitted a report on 11.10.2002 stating that the petitioner converted the assigned land into house sites measuring 40 feet by 40 feet and sold the land to fourteen persons by collecting Rs.500/- to Rs.1000/-towards advance to each plot. Therefore, a show cause was issued. The petitioner submitted explanation stating that due to ignorance of law he has made house plots and obtained advance from the Tribals. In view of this, the second respondent as well as the first respondent came to the conclusion that the petitioner violated condition No.6(iii) of G.O.Ms.No.1406, dated 25.07.1958, and accordingly, ordered resumption of the land. While arriving at the conclusion respondents 1 and 2 have followed a fair and transparent procedure, and orders passed by them do not suffer from any legal infirmity.

The Writ Petition is devoid of any merit and is accordingly dismissed. No cost.

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(V.V.S.RAO, J)

07.09.2006
vs